

## JUDGE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA, ) No. CR23-116-JCC  
Plaintiff, )  
v. ) (PROPOSED) ORDER GRANTING  
ERIC RUSSELL ORTH, ) UNOPPOSED MOTION TO  
Defendant. ) CONTINUE TRIAL AND PRETRIAL  
 ) MOTIONS DEADLINE  
)

THE COURT has considered the unopposed motion of the defense to continue the trial date and pretrial motions deadline and finds that:

(a) taking into account the exercise of due diligence, a failure to grant a continuance in this case would deny counsel for the defendant the reasonable time necessary for effective preparation due to counsel's need for more time to review the evidence, consider possible defenses, and gather evidence material to the defense, as set forth in 18 U.S.C. § 3161(h)(7)(B)(iv); and

(b) a failure to grant such a continuance in this proceeding would likely result in a miscarriage of justice, as set forth in 18 U.S.C. § 3161(h)(7)(B)(i); and

(c) the additional time requested is a reasonable period of delay, as the defendant has requested more time to prepare for trial, to investigate the matter, to gather evidence material to the defense, and to consider possible defenses; and

(d) the ends of justice will best be served by a continuance, and the ends of justice outweigh the best interests of the public and the defendant in any speedier trial, as set forth in 18 U.S.C. § 3161(h)(7)(A); and

1 (e) the additional time requested between the current trial date of March 18,  
2 2024, and the new trial date is necessary to provide counsel for the defendant the  
3 reasonable time necessary to prepare for trial, considering counsel's schedule and all of  
4 the facts set forth above; and

5 (f) the period of delay from the date of this order to the new trial date is  
6 excludable time pursuant to 18 U.S.C. §§ 3161(h)(7)(A) and (h)(7)(B)(iv).

7 IT IS THEREFORE ORDERED that the trial date in this matter shall be  
8 continued to May 28, 2024, and that pretrial motions shall be filed no later than April  
9 23, 2024.

10 DONE this 8th day of February 2024.

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JOHN C. COUGHENOUR  
UNITED STATES DISTRICT JUDGE

Presented by:

s/ *Colleen P. Fitzharris*  
Assistant Federal Public Defender  
Attorney for Eric Orth